(33)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A.(C) No.841/2007

APPELLANTS OWNERS

1. Sandeep Tomer, Son of Late Satyaveer Singh Tomer, aged about 21 years;

2. Sumeet Tomer, Son of Late Satyaveer Singh Tomer, aged about 18 years;
Both are residents of C-3/146, Janakpuri, New Delhi (U.P). Registered owner of Tractor No. U.P. 12/7519.

versus

RESPONDENTS

1. Hemlata, Wife of Santosh Yadav, aged about 22 years, Resident of Village Ghodamar, Tahsil Kargikala, District Bilaspur (C.G.)
(Claimant)

2. Rajkumar @ Raju Dubey son of N.P. Dubey, aged about 35 years, Resident of Mankadika Ghat, Qr. No. 10/203, Police Station Chowk, Varanasi, District Banaras (U.P.) Presently residing at Kota, Police Station and Tahsil Kota, District Bilaspur (C.G.)
Driver of Tractor No. U.P. 12/7519.

3. The Oriental Insurance Company Limited, Through: Branch Manager, 9 Community Centre Mayapur, Phase-1, Through: Divisional Manager, Oriental Insurance Company Limited, In front of High Court Bilaspur (C.G.)
(Insurer)

Memo of Appeal under Section 173 (2) of the Motor Vehicles Act, 1988

Present : Shri Malay Kumar Bhaduri, counsel for the appellants.
Shri Abhishek Sinha, Counsel with Shri Ghanshyam Patel, counsel for the respondent No.3/insurer.

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ORAL ORDER
(Passed on 09th October, 2007)

Heard finally.

2. This appeal arises out of an award dated 27-02-2007 passed by the VIIIth Motor Accidents Claims Tribunal (F.T.C.), Bilaspur in Claim Case No. 36/2006 granting compensation of Rs.30,000/- in injury case.

3. It is not disputed that the Tractor trolley in which the injured was travelling was not insured. Liability was fastened on the owners/appellants while exonerating the Insurance Company.

4. During course of arguments, learned counsel for the appellants did not press the appeal on Quantum and also did not point out any illegality or infirmity in the impugned award/judgment.

5. Accordingly, the appeal being devoid of merit is dismissed.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr